Planning Department
City of Halifax

Demolitions and Demolition Control

November 1983

DEMOLITIONS AND DEMOLITION CONTROL:

A Review of Statistics and Policies in the City of Halifax and Other Canadian Cities

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ACKNOWLEDGEMENTS

The impetus for a comprehensive review of demolition statistics and policies in the City of Halifax was initiated by a brief to City Council, July, 1983, by Mr. Thomas N.B. Creighton of Halifax, expressing concern about the lack of demolition control measures in this City. At Council's request, the matter has been reviewed, including studies of other Canadian cities to provide a base for objective comparisons.

This report was prepared by Yvonne M. Macor of the Planning Department, under the supervision of William B. Campbell, Senior Planner.

Most of the statistical and comparative data for the report was gathered from diverse sources by Sharon Schnare and graphics were prepared by Kelsie Williams of the Planning Department.

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PREFACE

The purpose of this report is to assess the issues of demolition and demolition control as experienced in the City of Halifax, to provide an information base from which to assess whether existing policies are appropriate. In order to accomplish this, an examination of the history of the demolition issue in the City, existing policy, controls, statutory authority, a statistical analysis of demolition in Halifax and five other major Canadian cities, and an examination of policy and control in other cities is provided. The report concludes with an assessment of the issue in Halifax.

INTRODUCTION

Demolition, in the context of land use planning and control, refers to the destruction of a building in whole or part. Demolition is part of a necessary process of change in the urban environment and all types of land use are affected. Although this report concentrates on the demolition of residential uses, commercial uses are also mentioned.

The causes of demolition and the degree to which it occurs vary considerably. Generally speaking the causes are:

1. the structure has deteriorated to an unsafe condition for habitation due to poor maintenance or age;

2. to make way for public works, such as street widening;

3. to make way for new construction - this may include a change of use;

4. to reduce maintenance costs and economic losses on rental properties;

5. speculation that the value of the land will rise if vacant; and

6. "block busting" to reduce values of adjacent properties so that they may be bought for redevelopment.

The rate of demolition can be affected by the overall age of the housing stock, neighbourhood stability, type of construction and materials, vacancy rates, real estate value, market demands and City policies and regulations.

Other economic incentives also influence demolition, such as Federal tax laws which, in some instances have made it more profitable to tear down a building than sell and declare the income.[1]

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[1] James Lorimer, A Citizens Guide to City Politics, James Lewis and Samuels, Toronto, 1972, p. 71.

HISTORY OF THE DEMOLITION ISSUE IN HALIFAX

The 1957 Stephenson report[2] proposed a comprehensive "Urban Renewal" plan for the old Halifax Town site. Starting in 1958, buildings were inspected to determine their compliance with the building code and other health, safety and fire standards. Halifax was one of the first municipalities in Canada to actively enforce maintenance and occupancy standards in an attempt to reverse inner city decline. Several blocks of deteriorated buildings in the downtown (Scotia Square site), Spring Garden Road and Gottingen Street areas were demolished. Along the waterfront many old warehouses were demolished to make way for the proposed "Harbour Drive".

As a result, major downtown redevelopment was made possible (the Scotia Square project was approved in the mid 1960's and parking areas were provided for the Spring Garden Road and Gottingen Street commercial areas. These public initiatives were followed by a general redevelopment boom in the CBD in the mid seventies. Commercial office space doubled in the downtown area in the 1970's, while an estimated 25,000 square feet of old office space was lost to demolition or conversion to warehouse uses every year.[3]

Heritage Preservation

The large scale demolition called for by the 1957 Stephenson report, particularly in the waterfront area, raised a public outcry to prevent the loss of buildings which contributed to the historic character of Halifax. The fight in the late 1960's to save the buildings known today as "Historic Properties" from demolition brought the question of heritage preservation to the forefront. The Halifax Landmarks Commission and the Heritage Trust of Nova Scotia were a strong influence in the identification of buildings of architectural or historic significance: a list of Halifax landmarks was adopted by Halifax Council in 1971. In 1972 an alternative redevelopment project for the waterfront was studied, and significant public resources were committed to initiate redevelopment of the area, through the Intergovernmental Waterfront Committee (later the Waterfront Development Corporation).

The Heritage Trust of Nova Scotia proposed establishment of a historic precinct for the area of the CBD bounded by Historic Properties, the Grand Parade, George and Prince Street and Barrington Street to Spring Garden Road. In June of 1972, the City adopted a resolution to withhold building or development (including demolition) permits for a period of six months while a development plan was prepared for the area bounded by Barrington Street from George Street to the Cogswell Street interchange, the west side of Lower Water Street and George Street, under Section 538(1) of the

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2 G. Stephenson, A Redevelopment Study of Halifax, N.S., City of Halifax, 1957.

3 "CBD Boundary Study", Report to PAC, Planning Department, April 7, 1982.

City Charter. The area north of Duke Street, particularly Granville Mall, largely held by Historic Properties Limited and Halifax Developments Limited, has been rehabilitated and redeveloped largely as proposed in the November, 1972 development plan. The buildings on the west side of Granville Mall north of Duke Street were demolished, but the City succeeded in negotiating preservation of the facades which were reconstructed as the east wall of the Barrington Inn complex.

As one of Canada's oldest cities, Halifax has many buildings and streetscapes of historic and architectural note, and throughout the seventies the issue of the preservation of this heritage in the public interest was much debated versus two other factors: (1) the legal principal of the individual's right to the enjoyment of his property; (2) the City's wish to meet its economic growth objective to strengthen the CBD as a focal point of the major business and government centre of Atlantic Canada. Halifax was limited in what it could do to save any particular historic structure: it had no regulatory authority to prevent owners from demolishing their property - and no funds to buy or encourage rehabilitation.

In the next few years the City systematically developed a list of criteria and of buildings of historic and architectural significance most worthy of preservation, identified in the report: An Evaluation and Protection System for Heritage Resources, October, 1978. The report recommended that the City seek legislative authority to regulate demolition permits for designated heritage resources, to regulate the conditions for their alterations, and to secure inducements for the retention, maintenance and enhancement of designated heritage resources; that the City establish an acquisition fund for heritage resources with an annual budget of up to $50,000.00; and that the City investigate other methods of encouraging the preservation of its heritage and seek the necessary enabling legislation. These recommendations were incorporated in the Municipal Development Plan (Policy Set 5) in 1979.

The City's subsequent application to the Legislature to have its Charter amended was not directly approved, but in 1980 the government introduced Province-wide legislation, i.e., the Heritage Property Act. The Act incorporated many of the provisions of the City's proposal.

It was not until the passing of the Heritage Property Act that the City was authorized to designate buildings as heritage structures. Ordinance 174 has since been enacted to implement City policies, in particular, to establish a Halifax Registry of Heritage Property, and to provide for the appointment of a Heritage Coordinator and a Heritage Advisory Committee. The Act enables Council to delay demolition up to one year, which provides the opportunity to, for example, find an alternative owner or use for the building, convince the owner to restore or rehabilitate it, purchase the building itself, or failing other remedies, to photograph it prior to demolition and ask the owner to place a commemorative plaque on its replacement.

There are an estimated 5,575 houses built before 1920 in Halifax.[4] There are also many commercial and institutional structures which meet the recommended age criteria for heritage designation. The City has designated about 200 buildings mainly within the Old Town site, as heritage resources, and has a supplementary list of about 50 properties to be investigated as time and resources permit.

Buildings Other Than Heritage Resources

In regard to other older residential and commercial buildings, public concern has focussed on three problems associated with demolition and neighbourhood stability: (1) deterioration of buildings and public infrastructure due to lack of maintenance; (2) abandonments and vacant lots; and (3) consolidation and redevelopment of sites for new uses. The character and density of some areas changed considerably in the last 15 years with the construction of many large apartment buildings. Many of the older buldings they replaced had been poorly maintained, but provided lower-priced rental accommodation. In 1978-1979, for example, the high demand for small modern apartments in the South End brought about the demolition of 13 Victorian-era houses on Victoria Road to clear a site for the South Point apartment building. In the North End, private and public land acquisition programs for redevelopment projects such as Northwood Manor, a home for the aged, have also led to the loss of low-cost housing through demolition. Delays in redevelopment plans, for example in the case of the Nova Scotia Housing Commission lands on Charles Street, has had other negative impacts on the neighbourhood such as declining school enrolments. Federal, provincial and municipal responses to these concerns included subsidy programs for neighbourhood and building rehabilitation, detailed area planning, and more restrictive zoning.

Since 1974, three Neighbourhood Improvement Programs have been initiated, encouraging the rehabilitation of older buildings. When those programs were active, the NIP Core Committees reviewed applications for demolitions and made recommendations regarding development proposals to Council. In the NIP I and III areas, Council amended the Zoning Bylaw (May 31, 1979) to allow for the rehabilitation and conversion of existing housing stock to a greater intensity of residential use (i.e. older buildings could be subdivided into several housing units). Nevertheless, there is an increasing demand for low-cost public housing (average monthly waiting list of 550 to 600 families) and for short-term accommodation for single men and women (the City has opened two emergency hostels in the past year).

A number of areas in the City had been identified as "soft" (susceptible to changes in use or intensity of development of the land) in the official City report entitled Areas for Detailed Planning (see MDP Map 2, reproduced on page 11). The Municipal Development Plan adopted in 1978 established temporary controls to regulate development until area plans and detailed regulations could be adopted. Two have been approved and the rest are nearing completion.

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[4] Statistics Canada, CTW81B21.

In August, 1979 under authority of Section 538(1) of the City Charter, City Council passed a motion requiring Council's approval of all permit applications applied for within the boundaries of the South End detailed planning area. Under the authority of the Charter section, Council could hold up such applications for a period of six months. The purpose was to discourage inappropriate development while a plan was being prepared. Few, if any, demolitions were reviewed during this period. The Plan policies adopted in the South End and Peninsula Centre since then have brought about more restrictive zoning provisions and encourage neighbourhood stability while allowing infill development and redevelopment in scale with existing buildings.

Information, staff reports, and public meetings on possible demolition control have been requested by Aldermen on several occasions. The problem was referred by Council to the Planning Advisory Committee and on December 11, 1980, the PAC set up a subcommittee to look into the matter. However, the subcommittee never met because it was anticipated that the matter might be resolved by changes to the Planning Act.

Administration and Enforcement

As noted above, in the past, the power to control demolition has been invoked by Council through the City Charter, but seldom exercised. Direct administration by staff has been limited to enforcement of the Building Bylaw for safety matters, and the Heritage Property Act, in regard to designated heritage properties. Changes of use in contravention to the Zoning Bylaw have occurred after some demolitions. The 6205 Pepperell Street Case in 1979 was one example. The City had refused an earlier application to change the zoning from residential to commercial to allow conversion to a parking lot. The owner, nevertheless, demolished the residential building on the site and established an illegal parking lot. The City prosecuted. The Court awarded a $25 fine to "serve notice", that continuation of the illegal use would not be tolerated. The City did not follow the matter up further, but left clarification of the land uses in the area to the Quinpool Road Commercial Area Plan to decide. The illegal use has been permitted to continue. Residents subsequently petitioned Council on two occassions to deal with similar problems. Final recommendations of the area plan have not yet been completed.

The Nova Scotia Planning Act does not address the control of demolitions at all. The following section of this report summarizes the policies and controls presently available.

POLICY, REGULATION AND STATUTORY AUTHORITY RELATING TO DEMOLITION IN HALIFAX

Regulation and Administration

Except for cases where a property is registered as a heritage property, the issuance of a demolition permit is a straightforward administrative procedure, carried out in accordance with the regulations specified in the National Building Code and the City Charter. The owner of the building to be demolished must ensure that the building is vacant, must pay the $25 permit fee, and is required to take out an insurance policy to cover any damages resulting from demolition.

Under Section 438(1) (Delapidated Buildings) of the City Charter Council has the power to order a building or a structure demolished if, in the opinion of Council, such a building or structure is unsightly, dangerous or in a state of irreversible repair.

Section 538(1) (Issue of Permits Pending Adoption of Plan) of the City Charter grants Council the power to withhold the issuance of development or building permits for a period of six months, pending adoption of an official plan, and has been implemented during the preparation of the Historic Properties Development (1972) and the Peninsula Centre and South End Detailed Area Plans (1979). It should be noted that if no development plan is adopted, persons who had applied for or been refused a development or building permit during this time, have the right to compensation for damages arising from the withholding of the permit under Charter Section 538(2).

Section 363 (Miscellaneous) of the City Charter deals with ground maintenance of property, including grounds and weed control, and accumulation of combustible material or other rubbish, making the premises unsightly. Under this section, Council may regulate the maintenance and appearance of a vacant lot.

In cases of non-compliance with Charter provisions, Council may clean up, repair or demolish properties and charge the owner with the costs, or prosecute. The City Charter provides a maximum fine of $2,000 for violations.

Ordinance 131, (Building Permits), section 1.2 specifically includes demolition permits in the definition of a building permit.

Under Ordinance 157 (Minimum Standards) the City actively enforces the maintenance of buildings. The Ordinance requires that every building meet certain standards in order to be occupied. If it is not brought up to the standards, it must be vacated and boarded up. Two inspectors have covered the Peninsula doing house to house surveys in the last five years, and are now continuing their systematic survey on the Mainland. This ongoing project is in addition to the more time-consuming job of responding to complaints about poor maintenance which occupies about 70 percent of the inspectors' time.

The 1978 report An Evaluation and Protection System for Heritage Resources in Halifax, recommended that the City maintain its strict enforcement of Ordinance 157 for designated heritage structures.

The City's Ordinance 174, (Heritage Resources) was enacted under the provisions of the Heritage Property Act, in 1981, to carry out the intent of the Act. The Act requires Council approval prior to the substantial alteration or demolition of any building designated by the City as a heritage structure. Council may withhold its approval for a maximum period of one year, during which time it may seek means to preserve the property. The Ordinance establishes procedures for the identification, registration, and protection of heritage resources and elaborates the role of the Heritage Advisory Committee, the Heritage Co-ordinator, and the administration of the Heritage Fund.

Demolition controls have also been included in contract development provisions of the Planning Act. In the Northwood Manor Parking Lot agreement of August, 1983 (Case 4313), Council specified that no other land in the block other than the two lots specified by the agreement, could be used for parking lots, and no demolition of any building located in the block would be allowed without Council's approval of an amendment to the contract. The general provisions of the Land Use Bylaw state that no land in any residential district shall be used for any purpose other than that of a private residence and such parking as required by the Land Use Bylaw for the number of units in the residential development. Seperate parking lots require permits and are permitted only in Commercial zones. In the Northwood Manor case, residential buildings on separate lots were demolished and the vacant land used for parking. Council chose to deal with the fait-accomplis of illegally established parking lots, by allowing the parking lots through a contract agreement, which included restrictions on further demolitions in the area.

Alternatively, Northwood Manor could have been prosecuted for violation of the Land Use Bylaw, as was done in the Pepperell Street Case. Under Section 108 of the new Planning Act, up to a $1,000 fine may be awarded, and continuing violations may now be fined $250 per day. Where the fine is not sufficient to stop the violation, the City may seek an injunction to stop, whereafter the offender may be found in contempt of court and imprisoned if the violation does not cease and the City pursues its case.

Policy

Direct policy reference to demolition in the Municipal Planning Stragegy is contained in the Heritage policy set. Other policy sets such as Residential Environments, Section III (CBD), Section V (South End Area Plan) and Section VI (Peninsula Centre Area Plan) provide indirect policy.

In accordance with the Heritage Set 5, the City has adopted a list of heritage buildings, sites and streetscapes, and periodically evaluates and adds other properties of historic or architectural interest. The Building Inspection Department advises the Heritage

Co-ordinator of every application for a demolition or building permit for alterations of any building or feature which has been designated as a heritage property by Council. The Heritage Coordinator was appointed in 1979 and the Heritage Advisory Committee in 1981. A Heritage Fund was established, which has now accumulated about $250,000. The Heritage Advisory Committee is developing guidelines for how the fund may be used to provide incentives for the preservation and rehabilitation of historic buildings.

The Residential Environments policy set established detailed area planning and rezoning processes (Policy Set 1.5) for areas considered predominantly "soft" or unstable because of inapproprite zoning classifications on the land which permitted development of a more intensive nature than existing uses. The Detailed Area Plans which have been approved (South End and Peninsula Centre) encourage the retention and rehabilitation of existing housing stock. Specific areas were identified where limited redevelopment could occur through encouraging mixed-use development and more intense residential development which would be compatible with the concept of neighbourhood stablility and overall objectives. The area planning process and interim controls combined with NIP programs in certain areas have been effective in discouraging speculative demolitions in anticipation of acquiring increased development rights.

Central Business District policies encourage redevelopment within the general policy stance on Heritage preservation (Policy 4.2), which is the main basis for demolition regulation in the CBD.

Statutory Authority

The Planning Act does not provide the legislative authority to control demolition. The City's authority rests in what is presently in its Charter, plus the delays possible under the Heritage Property Act. If the City wishes to seek further authority to control demolitions, the best avenue would be an amendment to the Charter.

STATISTICAL ANALYSIS

The purpose of this section is to assess the general magnitude of demolition in relation to the amount of new construction and the total building stock. The type of buildings lost through demolition and the effect on the surrounding uses are also discussed. The statistics for Halifax are compared with those for other Canadian cities.

The municipal building and demolition permit data examined for this study included information from Statistics Canada, individual municipalities, and related studies. The figures for residential buildings, given as the number of housing units, are often at variance with each other. More detailed studies by City Planning - Development Departments or independent consultants tend to be more accurate[5], and where available, these studies have been used in the tables. It should be noted however, that the figures probably understate the number of housing units lost because often illegally converted units and rented rooms are not reported.

Statistics on demolitions of commercial properties are not as widely available. Most commercial demolitions in Halifax have occurred in the downtown area. It has been estimated that an average of 25,000 square feet of old commercial space per year was lost during the 1970's, mainly through demolition. This may be compared to average new office space construction, estimated as 180,000 square feet per year in the seventies. This gives a ratio for demolition to new construction of 14 percent for commercial structures.[6]

The Halifax-Dartmouth Regional Development Plan Review, in its study of Housing Activity in the Region, 1970-1980, found that the 893 demolitions reported for the City of Halifax represented 7 percent of dwelling starts, whereas 150 demolitions in Dartmouth during the same period were equivalent to four percent of dwelling starts there. In observing this difference, it should be noted that one third of the residential buildings in Halifax are over 35 years

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5 Fischer, Skaburskis, Planners, prepared a report Demolitions, Conversion, Abandonments for C.M.H.C. in 1979, comparing the accuracy of demolition data in five major cities. They found that Statistics Canada figures generally understate actual demolitions, because the number of housing unit demolitions is reported differently by different cities - they may include interior conversion and non-residential demolitions, or record structures demolished only.

6 "CBD Boundary Study", Report to PAC, Planning Department, April 7, 1982.

old, compared to 9 percent of the housing stock in Dartmouth and the County. These rates were considered by the study to be fairly moderate, especially in comparison to wide scale demolition which took place in the 1960's under the urban renewal movement. This opinion is supported by the comparison of Statistics Canada figures for 24 metropolitan areas across Canada, (see Table 2).

Table I gives housing construction activity data for both Halifax and the Halifax-Dartmouth region since 1971. The absolute numbers of new units as well as demolitions have declined in the last few years, particularly in the City of Halifax. The City accounted for the major proportion of demolitions in the past, when it was the centre of population. Now however, the City has less than half (45 percent) of the housing stock in the region within its boundaries, with a corresponding reduced proportion of total demolitions.

However, demolitions must be related to construction activity - new buildings replacing old ones is a major reason for demolition, and of course more often occurs in older built up areas or areas in a process of change. In the early 1970's about half of the metropolitan area's residential construction activity was within the City's boundaries and the ratio of demolitions to new construction was about double that in the region. This ratio has remained the same even though the focus of residential construction has moved outside the City in recent years.

At the same time, construction activity declined dramatically everywhere during the 1978 to 1982 period, due to poor economic conditions Although the absolute number of demolitions declined, the ratio of demolitions to new construction increased to double that in the previous five year period, for both the region and the City (see Table 2). Demolition requires much less investment than major construction projects and small redevelopment projects still took place in central areas, maintaining a demand for demolitions.

The effect of slow economic times may be seen in other metropolitan areas in Table 2: those that saw a substantial decrease in construction activity (Halifax, Kitchener, Saint John) also had a corresponding increase in the demolition to new construction ratio. In Montreal, Toronto and Ottawa the ratio remained relatively stable or declined despite the slowdown, probably because these cities have introduced effective demolition controls. Ratios also remained low where construction activity was maintained at a healthy rate of growth (Calgary, Saint John). Table 2 shows that the Halifax area has retained a below average demolition ratio in spite of the fact that it has had a sharper decrease in building permits than the average metropolitan area.

In relation to the building stock also, demolitions have declined during the past decade. Table 3 compares data for six cities, and calculates average annual demolition as a percentage of the occupied housing stock. It shows that Halifax has generally had a relatively low demolition rate and this rate has been declining, comparing favourably with those of Montreal and Toronto, both cities that have adopted effective demolition control policies.

Map 1 indicates the locations where demolitions have occurred in the last five years. In Mainland South, the major reasons for demolitions were dilapidation and street widening; in the South End, new institutional or apartment construction. The apparent concentration of demolitions in the North End may be attributed largely to the age and poor quality of the existing building stock as well as the transitional nature of much of the area, where industrial, commercial and private and public residential uses presently co-exist.

From the statistical analysis, it may be concluded that, overall, Halifax does not have an excessive quantity of demolitions, at least in comparison to other Canadian municipalities.

However, as discussed earlier, public concern has been raised in regard to some demolitions which have led to uses of property contrary to City policies about neighbourhood stability. Demolition control policies and regulatory powers in other cities are surveyed in the next section, to ascertain whether such violations may be effectively discouraged.

TABLE 1: COMPARISON OF HOUSING UNITS BUILT AND DEMOLISHED, HALIFAX AREA

	HALIFAX-DARTMOUTH REGION[1]			CITY OF HALIFAX[2]		
	New Construction*	Demolitions	Demolitions as a Percent of New Construction	New Construction*	Demolitions	Demolitions as a Percent of New Construction
1971	3,064	91	3.0	1,446	89	6.2
1972	3,992	119	3.0	2,102	131	6.2
1973	4,015	141	3.5	2,239	150	6.7
1974	3,089	98	3.2	874	78	8.9
1975	3,348	60	1.8	1,251	61	4.9
1976	2,857	93	3.3	655	62	9.5
1977	4,497	149	3.3	2,084	125	6.0
1978	2,621	114	4.3	915	81	8.8
1979	1,653	88	5.3	390	54	13.8
1980	1,017	97	9.5	366	62	16.9
1981	1,248	75	6.0	287	41	14.3
1982	1,277	87	6.8	259	48	18.5
1971-1982	32,678	1,212	3.7	12,867	982	7.6

* Includes single dwellings, attached dwellings and apartments; does not include Cottage. mobiles or conversions and renovations.

SOURCES: (1) Halifax-Dartmouth Regional Development Plan Review, Study H-1, Housing Activity in the Region, 1970-1980, Table 15, p. 23 and Statistics Canada, Building Permits, Annual Summary, Catalogue No. 64-203.

(2) Compiled by the Planning Department from Monthly Building Reports of Building Inspection Division of the City of Halifax, 1983.

TABLE 2: HOUSING UNIT DEMOLITION AND BUILDING PERMITS COMPARED FOR METROPOLITAN AREAS

Metro Area	Housing Stock 1981	Building Permits* 1973-77	Building Permits* 1978-82	Demolition Permits 1973-77	Demolition Permits 1978-82	Percent Demolition to Building Permits 1973-77	Percent Demolition to Building Permits 1978-82
Toronto	1,077,750	162,855	114,025	4,357	4,035	2.7	3.5
Montreal	1,081,310	142,229	76,932	10,170	6,852	7.1	8.9
Vancouver	493,590	78,563	67,662	7,238	8,251	9.2	12.2
Ottawa-Hull	269,500	36,308	22,047	1,239	713	3.4	3.2
Calgary	219,185	50,291	67,869	1,456	2,624	2.9	3.9
Kitchener	104,605	20,105	8,335	343	562	1.7	6.7
Halifax	98,160	18,404	8,933	541	461	2.9	5.2
St. John's	46,050	4,317	5,023	142	172	3.3	3.4
Saint John	39,200	4,437	1,059	991	915	22.3	86.4
TOTAL 24 CMA's		778,940	555,377	38,358	36,418	4.9	6.5

* Includes single dwellings, cottages, double dwellings, row housing, apartments, conversions.

SOURCE: Statistics Canada, Building Permits, Annual Summary, Cat. No. 64203 and Unoccupied Private Dwellings; Limitations to the Data,, 1981 Census, Cat. No. 93-X-901.

N.B. Halifax Census Metropolitan Area used in this table does not correspond exactly to the Halifax-Dartmouth Region used in Table 1. The data from the Halifax-Dartmouth Regional Development Plan Review Study is considered more accurate than the data from Statistics Canada.

TABLE 3: ESTIMATED RESIDENTIAL UNITS DEMOLISHED IN SIX CANADIAN CITIES

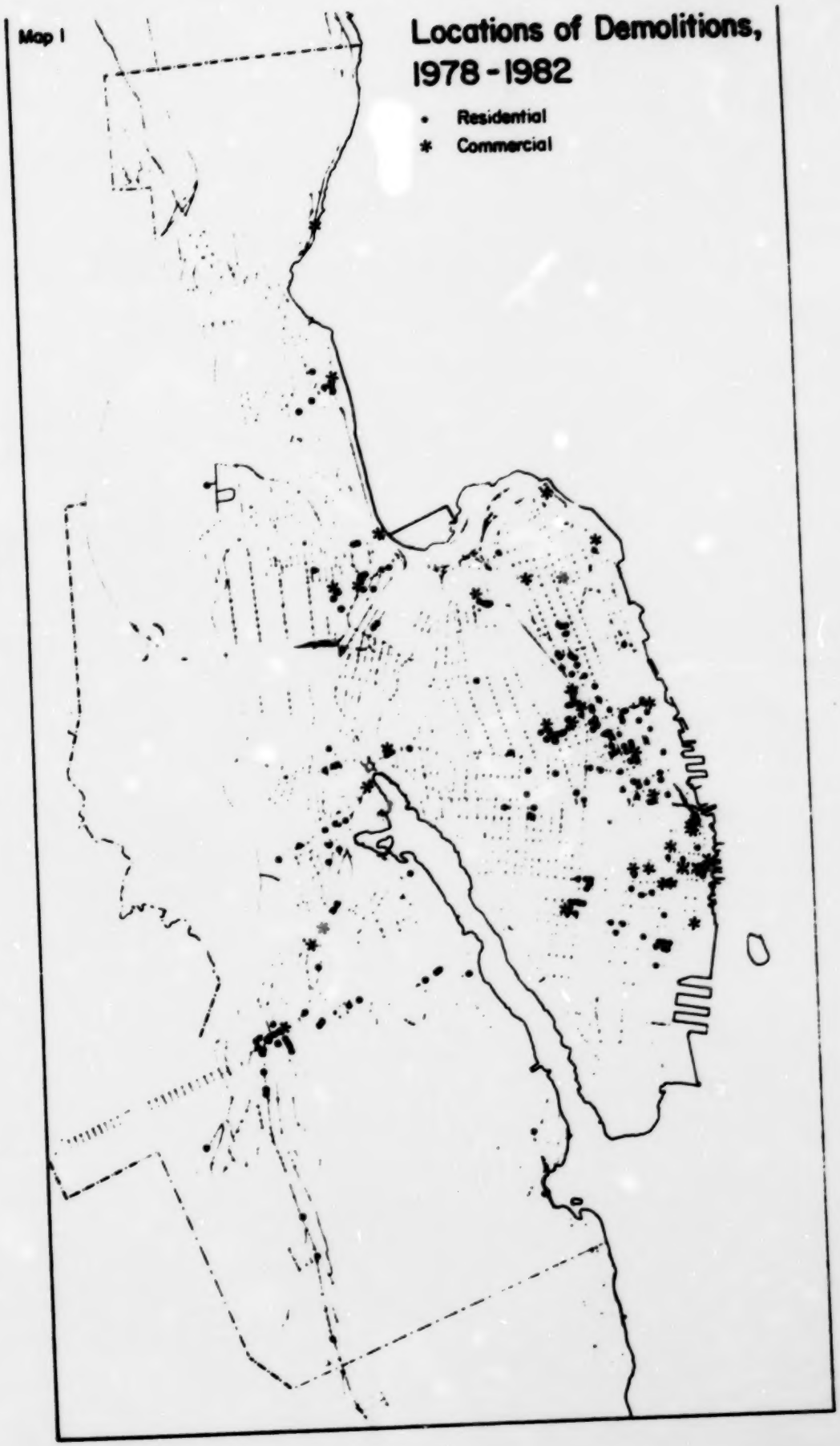
	VANCOUVER	CALGARY	TORONTO	MONTREAL	SAINT JOHN	HALIFAX
1968	1,094	468	2,426	1,640	410	149
1969	1,523	552	1,893	800	297	134
1970	558	303	1,506	1,385	323	100
1971	865	418	989	1,660	228	89
1972	900	525	973	2,126	107	131
1973	1,380	660	930	2,249	198	150
1974	1,164	578	528	2,730	266	78
1975	1,063	558	535	1,254	181	61
1976	1,253	609	499	814	138	62
1977	1,150	747	542	558	248	125
1978	825	660	346	651	143	81
1979	445	638	288	919	242	54
1980	1,346	411	200	997	248	62
1981	1,153	603	240	1,115	127	41
1968-1974						
Total	7,484	3,504	9,245	12,190	1,829	831
Average	1,069	500	1,321	1,741	261	119
Occupied Stock (1971)	153,242	121,156	224,442	394,589	24,020	34,115
Demolition Rate per 1,000 Units	**7.0**	**4.1**	**5.9**	**4.4**	**10.8**	**3.5**
1975-1981						
Total	7,235	4,226	2,650	6,308	1,466	523
Average	1,034	604	379	901	209	75
Occupied Stock (1976)	160,230	155,155	230,395	405,820	26,490	39,300
Demolition Rate per 1,000 Units	**6.5**	**3.9**	**1.6**	**2.2**	**7.9**	**1.9**

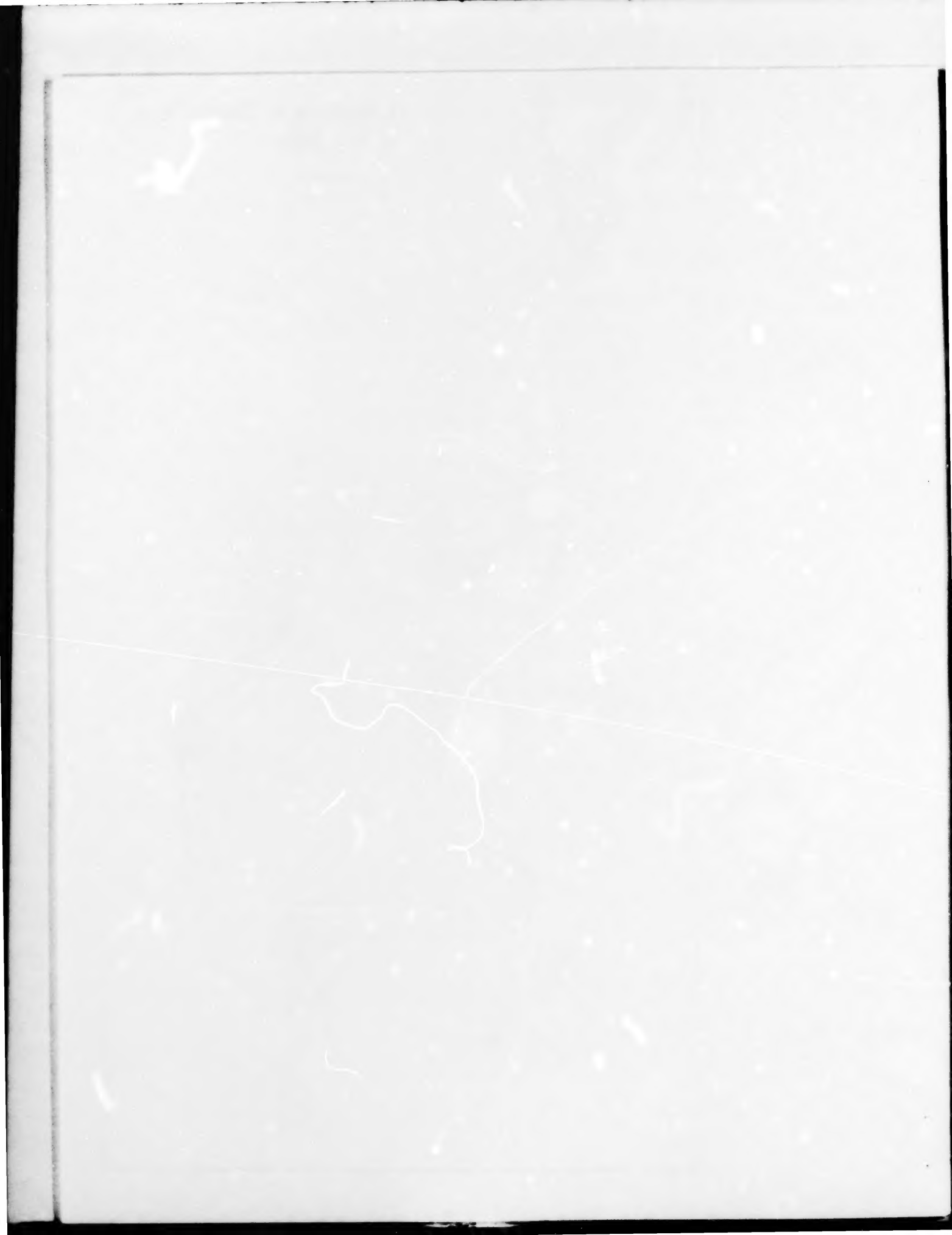
SOURCES: Figures for City of Halifax: Bldg. Inspection Div. figures compiled by Planning Dept. Figures for all other cities, 1968-1977: Vischer, Skaburskis, Planners, Demolition, Conversions, Abandonments, Working Paper 3, Summary of Findings, CMHC, Aug. 10/79. Figures for City of Toronto, 1978-81, City of Toronto Planning & Development Dept. (losses due to deconversions not included). Other cities 1978-81, Statistics Canada, Building Permits: Annual Summary, Cat. 64-203

Map 1

Locations of Demolitions, 1978 - 1982

- Residential
- Commercial





POLICIES AND CONTROLS - OTHER CANADIAN CITIES

Each city considered in this section has a different building stock, and experiences a variety of development pressures. In each, demolitions are perceived and handled differently, within the context of the provincial planning acts and charters from which the municipalities draw their authority to enact controls. The cities discussed include: Winnipeg, Montreal, Saint John, Vancouver, Calgary, Toronto and Ottawa.

Winnipeg

In Winnipeg there are virtually no restrictions on the demolition of residential buildings in the inner City area, except for those of historic significance. In general, for non-historic buildings, a demolition permit is issued provided that conditions, such as payment of taxes, are met.[7]

Concern, however, has been addressed by the Ad Hoc Committee on Housing, Committee on Environment, City of Winnipeg in their 1978 report Apartment Loss Study over the disappearance by demolition of older residential buildings. In the period 1972 to 1978 Winnipeg experienced a substantial and steadily increasing loss of older buildings in the inner City. As the condition of these older buildings had deteriorated, the City reacted by imposing stricter health and fire regulations to protect those occupying such buildings. The enforcement of this program had the unintended result of accelerating the rate of demolitions and closures. It is suggested in the Apartment Loss Study that "as a complement to financial incentives to preserve low income housing stock, stronger legal mechanisms are required to control the demolition of such stock."[8] The report recommended that legislation be adopted whereby demolition would not be allowed until a permit for reconstruction on the same site is obtained. "One of the short comings of this type of legislation is that it does not guarantee that the replacement housing is affordable for the income group it displaced. However, it does ensure that housing units are replaced within a reasonable period of time."[9]

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7 The City of Winnipeg Planning Department, telephone call August, 1983.

8 Ad hoc Committee on Housing, Committee on Environment, City of Winnipeg Apartment Loss Study, October, 1978, pp. 25, 135.

9 I.M. Rogers, Canadian Law of Planning and Zoning, May, 1983. Paragraph 7.5.

Montreal

Montreal experienced more complex housing loss problems due to demolitions than Winnipeg, and gradually developed a comprehensive set of policies and regulations to deal with them. Prior to 1975 demolition permits could be obtained upon application for a $5.00 fee. In 1975 steps were taken to control the demolition of historically significant buildings. An amendment to the City Charter gave Montreal the "power to prohibit for up to a year, the demolition of any building constituting a cultural property within the meaning of the Cultural Property Act (1972)".[10] However, because the penalty for illegal demolition was only a $500 fine, many fine old buildings offering low- to medium-cost housing continued to be demolished, to be replaced with high-cost apartments.

With respect to non-historic buildings, the City of Montreal had high levels of demolition and also abandonment due to public works (highway construction) urban renewal and building code enforcement. This modernized and "cleaned up" the City but also caused the loss of many apartments in low-income neighbourhoods. During the mid-1970's, the City intensified its program of housing code enforcement and also developed a comprehensive rehabilitation assistance program based on federal and provincial funding, intended to stem the loss of low rent housing incurred through demolition and abandonment.

Montreal's subsidy program has been credited with the rehabilitation of 7000 housing units between 1970 and 1978. Many unassisted renovations have been inspired in inner City areas where initial housing improvements were initiated with public funding, thus reversing the trend of deterioration.

In 1978, Montreal enacted its first demolition control bylaw under the authority of its Charter. Under the new Bylaw, all applications for demolitions must be approved by the Executive Committee of Council. "Essentially the onus is on the applicant to demonstrate that the building is not suitable for restoration, and that if it is demolished, to indicate what replacement is proposed. The fines for demolition undertaken without permits have been increased substantially, to $10,000 for a first violation and up to $20,000 for subsequent violations".[11]

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10 Berku, Dida, "Saving Montreal", The City Book, J. Lorimer and Evelyn Ross, Editors, Toronto, 1976, p. 162.

11 Fischer, Skaburskis, Planners, Demolition, Conversions, Abandonments, Working paper No. 1, prepared for CMHC, August 2, 1979, p. 205.

The processes of abandonment and demolition and city policies on restoration and code enforcements are closely interconnected in Montreal. The demolition or restoration of abandoned dwellings has been a major priority of the City's restoration program. The City promotes and administers a comprehensive program of subsidies for rehabilitation of buildings not up to housing code standards, technical assistance for restoration projects and cooperative housing groups, and assistance for demolitions where reconstruction of residential buildings is intended.

> "By virtue of the concerted efforts by the City and the Province through the seventies to improve the quality of housing in Montreal by rehabilitation, landlords have been encouraged to improve, rather than demolish buildings. Subsidies provided for rehabilitation have been more generous in Montreal than anywhere else in Canada by combination of federal, provincial and municipal resources....". These activities are probably the largest single factor in reducing the loss of low-rent housing in the City of Montreal in the 1970's.[12]

All municipalities in Quebec have the authority under Section 113(3) of the Quebec Land Use Planning and Development Act, 1979, "to regulate or restrict, by zone, the moving, use, repair or demolition of a structure". The City of Westmount[13], within the Montreal Urban Community, set up an aldermanic review board to look at all applications for demolitions. the board may rule on the basis of appearance and aesthetics, as well as safety. The applicant has the right to appeal to the City Council, and ultimately to a provincial government board.

Saint John

As is evident in Tables 2 and 3 in the Statistics section, Saint John has experienced high demolition rates for many years. Few demolitions in Saint John were the direct result of development pressures. In the late 1960's demolitions were mostly the results of urban renewal programs. Between 1971 and 1978, 24 percent of the losses were to make way for highway construction and urban renewal projects. Most of the remainder are attributed to code enforcement programs, because many inner City buildings had deteriorated beyond the point of repair, and many were vacant. One of the main reasons for demolitions in the last few years has been the soft real estate market. Unsound or unrentable buildings are often abandoned: the City's code enforcement program often has the effect of these buildings being torn down rather than brought up to

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12 Fischer, Skaburskis, Planners, p. 226.

13 Westmount Examiner, August 21, 1980, p. 2. "City Establishes Board to Review Demolition Plans".

building code standards. The Residential Rehabilitation Assistance program (RRAP) has helped to stem this trend, particularly in the inner City, which was becoming an increasingly unattractive place to live due to deterioration, abandonments, and an increasing number of vacant lots.

Concern for loss of the City's heritage did become an issue in Saint John. In 1982 a Historic Preservation Bylaw was enacted to apply to the Trinity Royal Preservation area. In this district, a "certificate of appropriateness" for demolition is granted only for those buildings judged incompatible with the historic district by the Preservation Review Board, or to buildings which have been advertised for sale for a minimum period of six months at a price agreed upon between the Preservation Review Board and the owner. If no buyer can be found, the demolition permit will be granted: it may be conditional, requiring certain features of the building to be salvaged prior to the demolition.[14]

Vancouver

In contrast to Saint John, the high demolition rate in Vancouver (as shown in Table 1) is related to a very active real estate market. The pressure for land use intensification is the major factor effecting the rate at which the existing housing stock is being demolished, to be replaced by new higher rent buildings. (See Table 3 in the Appendix for building permit data).

The City of Vancouver has four Bylaws that were actively used in the latter half of the seventies in an attempt to reduce stock deterioration and demolition rates. Fire Bylaws, the Lodging House Bylaw, and the Standard of Maintenance Bylaw in particular was intended to reduce deterioration rates and demolitions through which much low income stock was being lost.

In 1975, the Vancouver City Council passed a Demolition Control Bylaw requiring approval of new development prior to issuing of a demolition permit, based on recommendations that were intended to prevent "block busting" reduce the possiblity of land sitting idle between development and as a conservation measure, to retain useable stock. In effect, these concerns addressed the issues of orderly and efficient land use. The original Planning Department recommendations had addressed the need for preserving a stock of lower priced rental accommodations. It was proposed that new development permits be issued only if at least as many units affordable to low-income people were provided through the replacement as were lost, or if the redevelopment improved the social, recreational or cultural amenity of the neighbourhood.[15]

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14 Vacancy Rates are very high and rents in the most deteriorated buildings are very low.

15 Vancouver City Planning Dept., "City Demolition Policy", August, 1977.

This provision however, was not included in the Demolition Control Bylaw, as the main purpose was to prevent "block-busting" through the willfull deterioration of the stock and the neighbourhood, to facilitate a change of land use. The Bylaw required applicants for demolition permits to have a valid development permit and partially completed working drawings for a replacement building.

These requirements seem to have been accepted and the Bylaw is believed to have given some low-cost housing units several extra months of life. However, there were problems. As the Bylaw applied only to rental properties, owners would often take possession of houses or duplexes and apply for the demolition of an owner-occupied dwelling. Some buildings were boarded up and became eyesores for neighbourhing residents, resulting in frequent complaints to City Hall.

Despite their good intentions, code enforcement brought about a large number of losses and demolitions in the Vancouver inner City. The intention to preserve the low-income housing stock was not achieved and the demolition controls were subsequently abandoned. Part of the blame for the failure of the program was attributed to the lack of funding to encourage rehabilitation of existing stock and the absence of rental assistance to tenants faced with increased accommodation costs. Another recommendation which came from the Vancouver City Planning Department in its review of the City Demolition Policy (August 24, 1977), was that senior levels of government be asked to reassess the impact of taxation policies and subsidies for new stock which may act to encourage demolition of otherwise structurally sound and affordable housing.

Calgary and Lethbridge, Alberta

Demolition control has not been an issue in Calgary. Demolition permits are easily obtained. Buildings are usually demolished just prior to new construction. More than half the structures demolished between 1971 and 1978 were located in the inner city, mainly in the downtown area. This included many rooming houses, which are generlaly recorded as only one unit each in the statistics, thus underestimating the housing losses incurred.

"The determinants of demolition in Calgary are related to development. A large number of units were lost due to urban renewal and the clearing of inner city land for civic buldings, historic sites and future expansion of the Central Business District ..... The main impact of demolition as perceived by one City planner, is its reduction of convertible housing stock. As a result of demolition, the future City may be less able to accommodate short-term fluctuation in the demand for housing.[16]

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16 Fischer, Skaburskis, Planners, pp. 145-146.

Under Section 69(2)(d) of the Alberta Planning Act, 1980, a municipal council may establish the types of development permits that may be issued and "the procedure for processing an application for, or issuing, cancelling, suspending or refusing to issue, a development permit". The City of Lethbridge now requires approval of a development permit for a site prior to issuing a demolition permit, in one neighbourhood, in order to protect the area from the needless or premature demolition of useful or valuable structures, and to prevent subsequent pressure to allow incompatible uses such as parking lots or more intensive uses on the resultant vacant lots.[17]

Toronto

Toronto City Council first passed a demolition control bylaw in 1974 in response to concern over the preservation of the existing housing stock. Many of the City's older properties on large lots were being demolished and replaced with more intensive development, often in the form of duplexes or townhouses.[18] The bylaw requires that all residential demolition applications be approved by Council, however, there is no set criteria by which Council decides to reject or approve each application. City Council has the option of taking one of four courses of action:

(a) reject because the building is designated under Historic Sites Act;

(b) approve without condition where Council feels that there will be no unnecessary depletion of residential units;

(c) approve with conditions whereby the owner must provide drawings of the new residential units which will be constructed on the site within a certain period of time (generally 2 years) after demolition; this is the most frequent course of action and there have been no infractions of the condition since the penalty is very high ($20,000 for each proposed dwelling unit not completed);

(d) delay consideration of the application, the result of which may be that the owner withdraws his application or the building becomes designated historic in the interim and application will be denied.[19]

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17 London Road Neighbourhood Area Redevelopment Plan, City of Lethbridge Planning and Development Department Bylaw adopted November 8, 1982.

18 Internal report to City of Toronto Executive Committee from Commissioner of Planning, July 22, 1974.

19 Fischers, Skaburskis, Planners, P. 196.

As may be seen from Table 3, the City of Toronto had already experienced a downward trend in demolitions prior to the passage of the demolition control bylaw. Demolitions declined further after 1974 and have remained low. City officials believe that the bylaw has had the desired effect of "reducing speculative demolition" and, through "the approval with condition" clause it has increased the number of replacement units.[20]

Section 33(2) of the Ontario Planning Act, 1983, authorizes municipalities to designate, by bylaw, any area in which maintenance and occupancy bylaws are also in force, as a demolition control area. The applicant may appeal demolition permit conditions or a refusal to the Ontario Municipal Board, and the Board may set appropriate conditions: its decision is final.

In the City of Toronto's new Official Plan, the housing policies support demolition control, particularly:

> "Section 2A.14 - It is the policy of Council not to issue demolition permits for the demolition of residential property containing dwelling units where, pursuant to the Planning Act, it is lawful to refuse their issuance and where, in the opinion of Council:
>
> (a) such demolition is not to be followed within a reasonable period of time either by new development on the lot which contains the residential property, or by the reuse of the lot in accordance with the Zoning Bylaw; or
>
> (b) such demolition would result in:
>
> (i) the loss of residential property or dwelling units in good structural repair; or (ii) the loss of residential property or dwelling units which serve a necessary social housing need; or (iii) the undue hardship of a relocation upon occupants of the building to be demolished."[21]

New zoning regulations enacted as a result of area plans developed in the 1970's also slowed down the rate of residential demolitions in Toronto. Through the establishment of density and height limits, the existing character of many neighbourhoods has been preserved, primarily because many of the larger older homes are already close to maximum density, making it uneconomical to tear them down and build new houses. However, because of the better economic return, many low-cost housing units have been lost due to "interior demolitions"; conversions of rental buildings to commercial uses and luxury condominiums, particularly in mixed-residential/ commercial areas. Rent controls have been cited as a significant determinant in promoting this new trend to conversions.[22]

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20 Fischer, Skaburskis, Planners, p. 178.

21 Internal Report to Land Use Committee from the Commissioner of Planning and Development, City of Toronto, February 13, 1981.

22 Ibid.

Housing unit losses due to conversions have almost negated housing unit gains due to new construction. Toronto City Council has no control over rental apartment demolition where the buildings are to be replaced by others which conform to the Zoning Bylaw. The Planning Act requires Council to issue a permit to demolish a residential building where it has issued a permit to build a new building on the same site.

Ottawa

In 1980, the City of Ottawa adopted a demolition control bylaw under the Ontario Planning Act which provided controls similar to those in Toronto, providing for Council approval of the issue of demolition permits, and fines up to $20,000 for each dwelling unit demolished, if the units demolished are not replaced within the period specified in the permit. Again, the demolition controls are used primarily to control the premature loss of residential units and to ensure that residential buildings remain on the housing market for as long as possible. They are also intended to protect streetscapes from the "block-busting" effects of "gaps" and prevent the creation of vacant lots which attract litter and parked cars.[23] Only half as many housing units were demolished in 1981 compared to 1979, although there were a similar number of housing starts in both years. While this is not conclusive evidence that the Demolition Control Bylaw alone is discouraging the demolition of residential buildings, it seems probable that the controls are having an impact.

SUMMARY

Causes of Demolitions

The main causes for demolitions in the Canadian cities surveyed have been:

(a) Public sector projects - such as transportation improvements, urban renewal projects, clearance of sites for public buildings, parks, and future development. Recent decreases in public development projects coupled with increasing concern for the conservation of lower income housing stock have reduced the extent of public demolitions;

(b) Code enforcement - the enforcement of building code, fire, health, and occupancy bylaws often result in the closure and the eventual demolition of old and delapitated buildings. In Saint John and in parts of Montreal, demolitions are encouraged. They do away with delapitated buildings that reduce neighbour-hood quality and encourage other owners to maintain buildings;

(c) Private sector activity - in Vancouver, Calgary and Toronto, development pressure is the main cause of demolition. In the inner City, older dwellings are removed and replaced by duplexes or apartments or commercial uses, depending on the zoning..

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23 Community Development Department, City of Ottawa, internal document.

Housing losses are sometimes related to conversions and renovations. Large inner city single family houses are often converted to several dwellings units, some become rooming houses. Demolition of such buildings before conversions lessens the extent to which the existing housing stock can expand or contract in response to short-term fluctuations in demand. Demolition of such buildings after conversion, causes the loss of low-cost housing units, the quantity of which is often underestimated by statistics. Renovation of buildings which have been converted to several apartments into family homes again (deconversion) by higher income groups, also causes the loss of lower-income units, although the building is in effect, improved rather than demolished.

Methods of Discouraging Demolition

a) Government housing policies. Rehabilitation assistance programs, have been a major factor in decreasing demolition trends while improving the condition of buildings and encouraging private renovations.

b) Building standard enforcement and demolition controls alone may cause building abandonment. Vacant buildings may be considered as much a hazard to public health and safety, and a as bad an influence on a neighbourhood as a vacant lot. Building standards enforcement, combined with rehabilitation assistance (which may be technical and/or financial) and other public improvement initiatives, have been more effective in declining areas. In a study of 13 Canadian municipalities, which enforced maintenance and occupany stand-ards, it was found that the most successful programs stressed encouragement, advice and assistance before enforcement.[24]

c) Delay or prohibition of demolition. This type of control is most often used for the conservation of heritage properties. A delay provides the opportunity to give the municipality, conservationists and perhaps the heritage organization time to propose a suitable alternate use for the building, to find a new owner, or expropriate with appropriate compensation. Some provinces with active conservation policies provide that a demolition permit can be refused indefinitely on designated structures unless special permission is granted to demolish Quebec, British Columbia, and Alberta). This is also a common policy in many states in the U.S.A. and in Europe.[25]

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24 R.L. Hale, Jr., A Profile of Successful Maintenance and Occupancy Experience in Canada, July, 1982. p. xiv.

25 Sheppard, Burt and Associates, and Arends and Associates, St. John's Heritage Conservation Area Study, prepared for Heritage Canada and the Newfoundland Historic Trust, December, 1976.

d) Rebuilding requirements. In growing cities and areas where redevelopment pressures are strong, demolition permits may effectively be tied to development permits so that new construction must be initiated within a specified time period. They may require that the same number or more housing units be rebuilt with the objective of reducing speculation on vacant lots and decreasing population losses in inner City areas. Hefty fines for the loss of building units have been successfully used elsewhere to enforce such controls. In expanding cities, demolition reduces the amount of available lower priced stock. The net impact of demolition is determined by the extent of subsidized low-income housing replacement. This problem is best dealt with directly by addressing the question of the adequacy of low-income housing programs.

e) Neighbourhood planning processes. Such programs review outdated zoning which is inconsistent with existing uses and generally produces regulations and zones which encourage the maintenance of existing structures, thereby stabilizing the neighbourhood. This has been the experience in Halifax as well as other municipalities.

CONCLUSION

The comparative analysis with other cities indicates that the quantity of demolitions in Halifax is not excessive, neither in relation to building activity or housing stock. Some demolitions, which result in loss of older buildings that have not been designated heritage structures, or the establishment of illegal uses such as parking lots, have caused public outcry in the past. Council has sometimes been unable or unwilling to act in these cases, either because:

(1) Council had no authority to act to prevent demolition;

(2) Other MPS policies were judged to have higher priority in regard to a particular site; or

(3) Policies affecting an area were inappropriate, or in transition because a planning process was required or underway.

Some neighbourhoods, particularly the North End areas around Gottingen and Agricola Streets have a high number of vacant lots: demolitions have been concentrated in this area, but little new construction has taken place. The cumulative effect on the neighbourhood has not been comprehensively assessed. However, a detailed plan for the area is in final draft and will be before Council in the near future. In addition, the City has taken steps to acquire properties in the area in order to provide public housing. Both of these strategies will influence the stability of the area.

Housing conversions (i.e. interior demolitions) have displaced some low income households in Halifax. Both conversions that create more units and renovations that convert several units to one or two units often mean higher rents. In Toronto, conversions in the central city have mainly resulted in unit losses, almost negating housing unit gains due to new construction, while also displacing low income tenants. Both the NIP and RRAP programs have been concerned about the social displacement of lower income groups. Public housing programs have helped to accommodate some displaced low income tenants.

Demolition controls in themselves have not been found to be effective, indeed, they may exacerbate housing and planning problems. Experience elsewhere indicates that demolition controls are most successful when implemented as part of a comprehensive housing policy program, including maintenance standard enforcement, rehabilitation subsidies and, in some cities, reconstruction requirements and heavy fines. Strict enforcement of zoning regulations to prevent the establishment of illegal uses are also an important factor in discouraging demolition.